

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANTE J. VASSER,

Defendant.

)
)
)
)
)
)
)
)
)

8:09CR324

ORDER

On November 18, 2009, after granting the amended motion, the court ordered the defendant, Dante J. Vasser (Vasser) be committed to the custody of the Attorney General for a competency examination pursuant to 18 U.S.C. §§ 4241 ([Filing No. 41](#)). At the request of the Warden, FDC- Englewood, Colorado, the evaluation period was extended on March 18, 2010 ([Filing No. 45](#)).

The psychological evaluation was completed by the staff of the Federal Detention Center, Englewood, Colorado (FDC-Englewood). The evaluation was performed by David E. Morrow, Ph.D. (Dr. Morrow) Forensic Psychologist, FDC-Englewood. The forensic evaluation report, dated April 26, 2010 (Filing No. 48 - Sealed), was provided to counsel for the government and the defendant. The defendant was returned to the District of Nebraska for hearing.

A competency hearing pursuant to 18 U.S.C. § 4247(d) was held on June 4, 2010. The defendant was present together with his counsel, Glenn A. Shapiro. The United States was represented by Assistant U.S. Attorney John E. Higgins.

The parties stipulated that the court receive and consider the report of Dr. Morrow (Filing No. 48 - Sealed). Vasser was afforded an opportunity to testify and to present evidence or witnesses on his behalf. Vasser declined to present any evidence. No further evidence was presented by either side.

The FDC-Englewood forensic evaluation diagnoses Vasser as follows: Axis I: Alcohol Abuse; Axis II: None; Axis III: No Relevant Findings. The forensic evaluation was made on April 25, 2010, after observation and interviews with Vasser at FDC-Englewood after Vasser's arrival at that facility on March 2, 2010. Dr. Morrow concluded Vasser does not suffer from a mental disease or defect which would interfere with Vasser's ability to understand the proceedings against him or assist counsel in Vasser's defense. Dr. Morrow opined Vasser was competent to stand trial.

Based upon a review of the forensic report submitted, I find the defendant, Dante J. Vasser, is mentally competent to stand trial, understands the nature of the proceedings against him, and is able to assist in his own defense.

IT IS ORDERED that, pursuant to 18 U.S.C. § 4241, the defendant, Dante J. Vasser, is mentally competent to understand the nature and consequences of the proceeding against him and to assist properly in his defense. This case shall now progress in the ordinary course of a criminal proceeding in this district.

DATED this 4th day of June, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge